APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,143	09/11/2003	Steven W. Githens	ROC920030276US1	4972

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EXAMINER
NUNEZ, JORDANY

ART UNIT	PAPER NUMBER
2175	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/660,143	GITHENS ET AL.
	Examiner	Art Unit
	Jordany Núñez	2175

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>02 February 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
     <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/William L. Bashore/
Supervisory Patent Examiner, Art Unit 2175

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but are not persuasive. Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention. Only Applicant's most salient points are addressed. Applicant argues that:
1) Applicants respectfully submit that the Examiner's analogy fails to explain how the cited material, as well as Cox generally, discloses the above limitation. For example, the Examiner fails to explain how a list of user command options (i.e., "actions") could represent the recited subsets of transformation rules. See Advisory Action dated December 7, 2007 ("each action is a subset of a plurality of transformation rules (e.g., a view parameter may be changed, so that data displayed as a bar graph may be displayed as a pie chart) ...."). Applicants respectfully submit that a user command option to "select specific data for display" or to "change a view parameter" is not analogous to a transformation rule. Thus, the recited limitations are not disclosed by Cox. Accordingly, Applicants submit that the rejection is defective and should be withdrawn (page 9, last paragraph).
Examiner disagrees.
As to 1),Examiner believes it is rather clear that in order to display a bar graph as a pie chart a subset of transformation rules take place which command the displayed bar to be transformed into the pie chart. Thus, list of a user command options or actions is indeed a subset of tranformation rules when one of said user command options or actions is to transform a bar graph into a pie chart.

2) Applicants respectfully submit that a user command option to "change a view parameter" in no way describes graphical attributes of a requested graphical representation type. Thus, the recited limitations are not disclosed by Cox. Accordingly, Applicants submit that the rejection is defective and should be withdrawn (page 10, first paragraph).
Examiner disagrees.
As to 2), Examiner believes it is rather clear that when a user issues a command to transform a bar graph into a pie chart, graphical attributes of a requested graphical representation type are indeed described, for example, a graphical attribute of a pie chart, which is a graphical representation, is described and then displayed to the user.

3) Examiner continues to suggest that the recited abstract data structure templates are disclosed by, e.g., a "BarChart view object." Id. Significantly, the Examiner's analogy fails to conform to the other limitations of claim 2. That is, claim 2 requires a limitation of the abstract data structure being generated using the selected abstract data structure template. The Examiner analogizes the "raw data being analyzed as the abstract data structure." See Final Office Action dated September 25, 2007, page 7. Respectfully, the Examiner's analogy leads to a contradictory result and is therefore untenable. That is, the Examiner'analogy requires the raw data ("abstract data structure") to be generated using a view object such as "BarChart" ("abstract data structure templates"). Such a requirement is wholly contradictory and is not disclosed by (or even consistent with) Cox. That is, Cox does not describe "raw data" as being generated with the "view objects." Therefore, contrary to the Examiner's suggestion, Cox does not disclose abstract data structure templates, each associated with a specific graphical representation type (page 10, last paragraph).
Examiner disagrees.
Cox teaches Bar cart view object. One of ordinary skill in the art would readily understand the Bar Chart View object to be used to generate a Bar chart. Further, one of ordinary skill in the art would readily understand that raw data is needed to generate a bar chart, and that the bar chart view object uses the raw data to generate display instructions to a display device, said display device ultimately displaying the bar chart. Thus, Cox clearly teaches "the abstract data structure (e.g., instructions to the display device) being generated using selected abastract data structure template (e.g., barch chart view object). .